


MAY 05 2011

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

JULIA C. DUDLEY, CLERK  
BY:  DEPUTY CLERK

TRACY D. CARTER,  
Plaintiff,

v.

WESTERN VIRGINIA REGIONAL  
JAIL,  
Defendant.

) Civil Action No. 7:11-cv-00206  
)  
)

) **ORDER**  
)

) By: Hon. James C. Turk  
) Senior United States District Judge

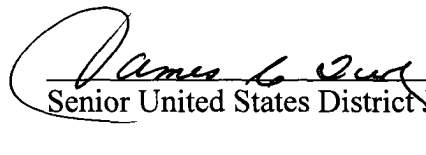
In accordance with the written memorandum opinion entered this day, it is hereby

**ORDERED**

that plaintiff is **GRANTED** leave to proceed in forma pauperis; plaintiff's complaint is  
**DISMISSED without prejudice**, pursuant to 28 U.S.C. §§ 1915(e)(2)(B)(ii) and 1915A(b)(1);  
and the action is **STRICKEN** from the active docket of the court. Plaintiff may refile his claim  
as a new and separate action at the time of his choice.

The Clerk is directed to send copies of this order and the accompanying memorandum  
opinion to the plaintiff.

ENTER: This 5<sup>th</sup> day of May, 2011.

  
Senior United States District Judge